

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

NOEL MONTES SOSA,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. CIV-15-827-W
	)	
ROBERT PATTON,	)	
	)	
Respondent.	)	

**ORDER**

On July 31, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Court deny the Motion for Leave to Proceed Without Prepayment of Costs or Fees filed by petitioner Noel Montes Sosa. Magistrate Judge Erwin found that since Sosa had sufficient funds to prepay the filing fee of \$5.00, Sosa was not entitled to proceed without prepayment. See Doc. 2 at 12-14. Magistrate Judge Erwin further recommended that the action be dismissed without prejudice if Sosa did not prepay the filing fee.


While Sosa had the right to object to the Report and Recommendation, see Doc. 5 at 2, he instead paid the filing fee in full. See Doc. 6.

Based upon the record, the Court agrees with Magistrate Judge Erwin's determination that Sosa is not entitled to proceed without prepayment of the filing fee of \$5.00 and therefore,

- (1) ADOPTS the Report and Recommendation [Doc. 5] issued on July 31, 2015;
- (2) DENIES Sosa's Motion for Leave to Proceed Without Prepayment of Costs or Fees [Doc. 2] file-stamped July 29, 2015; and

(3) RE-REFERS this matter to Magistrate Judge Erwin for further proceedings.

ENTERED this 28<sup>th</sup> day of August, 2015.



LEE R. WEST  
UNITED STATES DISTRICT JUDGE